

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RICARDO MIGUEL CINTAS,

Plaintiff,

vs.

MISSOULA MONTANA
PROBATION AND PAROLE, ET
AL.,

Defendants.

Cause No. CV 24-158-M-BMM

ORDER

Plaintiff Ricardo Miguel Cintas filed a 42 U.S.C. § 1983 Complaint related to his current incarceration. (Doc. 2.) The filing is more appropriately characterized as a petition for a writ of habeas corpus. The Complaint will be dismissed.

Cintas's Complaint relates entirely to the length of his criminal sentence. "Habeas is the exclusive vehicle for claims brought by state prisoners that fall within the core of habeas, and such claims may not be brought in a § 1983 action." *Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016). A prisoner in state custody cannot use a § 1983 action to challenge "the fact or duration of his confinement" and must seek federal habeas corpus relief (or appropriate state relief) instead.

Wilkinson v. Dotson, 544 U.S. 74, 78 (2005). Cintas's Complaint will be dismissed, and he may file a petition for a writ of habeas corpus.

Based upon the foregoing, IT IS ORDERED that:

1. The Clerk of Court is directed to close this case. All pending motions are DENIED.
2. The Clerk of Court is directed to provide Cintas with the Court's form for a petition for a writ of habeas corpus and a form to proceed in forma pauperis on that petition.

DATED this 12th day of November, 2024.



Brian Morris, Chief District Judge
United States District Court